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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL DEAN JACKSON, JR.,

Defendant and Appellant.

F077745

(Super. Ct. Nos. 17CMS3299,
17CMS3514)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kings County. Thomas S. DeSantos, Judge.

Jared G. Coleman, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Levy, Acting P.J., Smith, J., and Snauffer, J.

STATEMENT OF APPEALABILITY

This appeal is from a final judgment following a guilty plea which disposed of all the issues between the parties and is authorized by Penal Code section 1237.¹

STATEMENT OF THE CASE

Case No. 17CMS-3514

An information filed on December 21, 2017, alleged appellant Michael Dean Jackson, Jr. committed the following offenses: Felony possession for sale of a controlled substance (methamphetamine) (Health & Saf. Code, § 11378; count 1); felony possession for sale of a controlled substance (heroin) (Health & Saf. Code, § 11351; count 2); felony use of a false compartment (Health & Saf. Code, § 11366.8, subd. (a); count 3); misdemeanor possession of a controlled substance (methamphetamine) (Health & Saf. Code, § 11377; count 4); and misdemeanor possession of a controlled substance (heroin) (Health & Saf. Code, § 11350; count 5). The information also alleged that as to counts 1 and 2, Jackson had three prior convictions for possession and/or transport of a controlled substance within the meaning of Health & Safety Code section 11370.2, subdivision (a), and section 1203.07, subdivision (a)(11). It was also alleged as to counts 1, 2 and 3 that Jackson had served two prior prison terms within the meaning of section 667.5, subdivision (b).

Case No. 17CMS-3299

An amended information filed on March 28, 2018, alleged Jackson committed the following felony offenses: Second degree robbery (§ 211; count 1); second degree attempted robbery (§ 213, subd. (b); count 2); and possession of a firearm by a felon (§ 29800, subd. (a)(1); count 3). The information further alleged that count 1 was a serious and/or violent felony within the meaning of sections 667.5, subdivision (c), and

¹ Subsequent statutory references are to the Penal Code unless otherwise stated.

1192.7, subdivision (c). It was also alleged that during the commission of counts 1 and 2, Jackson personally used a firearm within the meaning of sections 12022.53, subdivision (b), and 12022.5, subdivision (A).

On March 28, 2018, Jackson pled guilty to count 1 in each case and admitted the allegation that he personally used a firearm in the commission of count 1 in case No. 17CMS-3299.

On April 30, 2018, Jackson was sentenced to seven years in state prison comprised as follows. In case No. 17CMS-3299, he was sentenced to the middle term of three years for count 1, plus the middle term of four years for the firearm enhancement. Jackson received custody credits for 236 actual days and 35 good behavior for a total of 271 days. The court imposed the following fines and fees: A \$2,100 state restitution fine and an additional \$2,100 fine which was stayed pending successful completion of parole, a \$40 court operations assessment and a \$30 court facility funding fee.

In case No. 17CMS-3514, Jackson was sentenced to two years for count 1 to run concurrently. He received custody credits for 219 actual days and 218 good behavior for a total of 437 days. The court imposed the following fines and fees: A \$600 state restitution fine and an additional \$600 fine which was stayed pending successful completion of parole, a \$40 court operations assessment, a \$30 court facility funding fee, and a \$195 laboratory fee.

Jackson filed a timely notice of appeal on June 28, 2018.

STATEMENT OF FACTS

The parties stipulated to a factual basis for the plea as follows: On or about February 14, 2017, Jackson possessed a controlled substance for sale. On or about May 2, 2017, Jackson robbed someone and personally used a firearm during the robbery.

APPELLATE COURT REVIEW

Jackson's appointed appellate counsel has filed an opening brief that summarizes the pertinent facts, raises no issues, and requests this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that Jackson was advised he could file his own brief with this court. By letter on December 5, 2018, we invited Jackson to submit additional briefing. Jackson responded with a letter filed on February 6, 2019, requesting that his appointed counsel, Jared Coleman, be replaced. Said request was denied by the Court by order dated February 7, 2019.

After independently reviewing the entire record,² we have concluded there are no reasonably arguable legal or factual issues.

DISPOSITION

The judgment is affirmed.

² The record consists of eight volumes of reporter's transcripts (RT), the clerk's transcript (CT), and the transcript of the February 27, 2018 *Marsden* hearing (Volume 5RT). (*People v. Marsden* (1970) 2 Cal.3d 518.) The Court also reviewed the report of the Kings County Probation Officer entitled "Stipulated Prison Report" filed April 18, 2018.